

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DBZ 7987

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UNITED STATES OF AMERICA, et al.
ex rel. THOMAS CANTOR,

Plaintiffs,

Civil Action No.
CV 04-2511

v.

AMGEN, INC.; AMERISOURCE BERGEN
CORPORATION; INTERNATIONAL
NEPHROLOGY NETWORK; WATSON
PHARMACEUTICALS INC.; and SIGMA-
TAU PHARMACEUTICALS, INC.

(Johnson, J.)
(Levy, M.J.)

Defendants.
-----X

STIPULATION OF DISMISSAL AND ORDER OF CLAIMS AGAINST AMGEN INC.

1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and various state false claims acts and in accordance with the terms and conditions of the Settlement Agreements among the United States, the named Plaintiff States ("the States"), Amgen Inc. ("Amgen"), and Relator Thomas Cantor (the "Settlement Agreements"), the Parties hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all civil monetary claims asserted on behalf of the United States and the States against Amgen concerning the Covered Conduct as defined in Preamble Paragraphs F and G of the Settlement Agreements, (2) dismissing without prejudice to the United States and the States and with prejudice to Relator(s) as to all other claims against Amgen, and (3) dismissing with prejudice all claims asserted against Amgen on Stipulation and Order of Dismissal, *United States ex rel. Thomas Cantor v. Amgen Inc., et al.*, Civil Action No. CV 04-2511.

D+H

behalf of Relator under 31 U.S.C. § 3730(d) with respect to attorney's fees, costs and expenses.

This dismissal is without prejudice to the right of the Relator in the above-captioned matter to reinstate these proceedings on written notice to the Court for the limited purpose of asserting Relator's rights to a relator's share payment from the United States contemplated by the Settlement Agreements to which Relator is a party and this Court reserves jurisdiction for these purposes.

2. In the event this matter is reinstated by Relator, the rights of the Relator under 31 U.S.C. §3729 *et seq.* are hereby fully preserved as they existed prior to the dismissal of this action, including, but not limited to, Relator's rights under 31 U.S.C. § 3730(b)(5), §3730(d), § 3730(e), and § 3731(b).

3. This Stipulation of Dismissal and Order supersedes the September 30, 2013 Order

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Dismissing the Case, Docket Entry 35.

Dated: Brooklyn, New York

October 31, 2013


Respectfully submitted,

For the United States:

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Assistant Attorney General, Civil Division

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Acting United States Attorney

By:



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For the
Named States:


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By:


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For Relator:

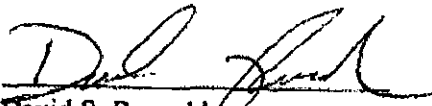


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Stipulation and Order of Dismissal, *United States ex rel. Thomas Cantor v. Amgen Inc., et al.*, Civil Action No. CV 04-2511.

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For Amgen:


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Chicago, Illinois 60606-5096
Attorneys for Amgen Inc.

SO ORDERED:

Brooklyn, New York

_____, 2013

SO ORDERED

on this 20th day of November 2013

s/ SJ

STERLING JOHNSON JR., SENIOR U.S.D.J.

HONORABLE STERLING JOHNSON Jr.

United States District Judge